

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) **8:12CR222**
)
)
vs.) **ORDER**
)
)
TRINA MAHR,)
)
)
)
Defendant.)

This matter is before the court on the motion of defendant Trina Mahr (Mahr) to review detention (Filing No. 34). Mahr seeks release to treatment at the Siena Francis House Addiction Recovery Program (Siena Francis House). Mahr has presented the court with a memo from the Siena Francis House indicating Mahr has been placed on a treatment program waiting list, which is two to six months long. Further, the Siena Francis House requires a minimum commitment of four months. Mahr's motion will be denied.

According to the Adjustment Report and Recommendation (Filing No. 51 in 8:04CR455 - D. Nebr.), Mahr tested positive for methamphetamine in March of 2012 while on supervised release. Mahr initially lied about her drug use, but later admitted her use of methamphetamine. Mahr's probation officer directed Mahr to begin substance abuse treatment, which Mahr attended for a few sessions and then failed to follow-up with her therapist. Mahr promised her supervising probation officer to submit monthly reports but attempts to contact Mahr by phone or in person were unsuccessful. The supervised release resulted from her conviction for a conspiracy to distribute methamphetamine in 2005. Mahr was sentenced to 71 months imprisonment with a five year term of supervised release. The charges in the Indictment arise from Mahr's arrest on June 12, 2012, wherein three bags of methamphetamine weighing eighteen grams and \$7,890 in currency were seized from Mahr's car. Mahr admitted the contraband belonged to her.

Mahr's Pretrial Service Report (Filing No. 6) indicates Mahr failed to surrender on time for her federal prison sentence and she failed to appear for sentencing for an earlier Douglas County charge of Possession with Intent to Distribute Cocaine in 1995. When she finally appeared, she was sentenced to probation, which was later revoked for her failure to report,

maintain employment, and use of methamphetamine. Mahr failed to surrender for that sentence and a warrant was issued for her arrest.

Mahr has a history of noncompliance on supervision and failure to appear. She has been given several attempts at substance abuse treatment and has rejected the attempts to assist her. Further, the program at Siena Francis House for which Mahr seeks placement is unsuitable for Mahr as Mahr requires a more rigorous treatment program. Accordingly, Mahr's motion to review detention (Filing No. 34) is denied.

IT IS SO ORDERED.

DATED this 6th day of December, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge